

# Electronic Case Filing Rules & Instructions

March 17, 2014 Edition

## **IMPORTANT INFORMATION FOR NEW CASES**

**Attorneys filing a new civil or miscellaneous case assigned to the Electronic Case Filing (ECF) system must do the following after obtaining a civil case number:**

- (1) E-mail a PDF-A copy of the case initiating documents to the Clerk's Office within 24 hours of delivering the paper documents to the Court; and**
- (2) Serve each party to the action with the initiating documents and a copy of:**
  - (a) SDNY Electronic Case Filing Rules & Instructions; and**
  - (b) The assigned judge's Individual Practices.**

**See section 14 - Opening a Civil Action**

## Table of Contents

Section	Page
---------	------

<a href="#">Introduction.....</a>	<a href="#">3</a>
-----------------------------------	-------------------

<a href="#">What's New.....</a>	<a href="#">4</a>
---------------------------------	-------------------

### **Part I. Electronic Case Filing Rules**

<a href="#">1. <u>Scope of Electronic Case Filing.....</u></a>	<a href="#">5</a>
--	-------------------

<a href="#">2. <u>Eligibility, Registration, Passwords.....</u></a>	<a href="#">5</a>
---	-------------------

<a href="#">3. <u>Consequences of Electronic Case Filing.....</u></a>	<a href="#">6</a>
---	-------------------

<a href="#">4. <u>Entry of Court Orders.....</u></a>	<a href="#">7</a>
--	-------------------

<a href="#">5. <u>Attachments and Exhibits.....</u></a>	<a href="#">7</a>
---	-------------------

<a href="#">6. <u>Sealed Documents.....</u></a>	<a href="#">7</a>
---	-------------------

<a href="#">7. <u>Retention Requirements.....</u></a>	<a href="#">8</a>
---	-------------------

<a href="#">8. <u>Signatures.....</u></a>	<a href="#">8</a>
---	-------------------

<a href="#">9. <u>Service of Documents by Electronic Means.....</u></a>	<a href="#">9</a>
---	-------------------

<a href="#">10. <u>Notice of Court Orders and Judgments.....</u></a>	<a href="#">9</a>
--	-------------------

<a href="#">11. <u>Technical Failures.....</u></a>	<a href="#">9</a>
--	-------------------

<a href="#">12. <u>Public Access.....</u></a>	<a href="#">9</a>
---	-------------------

### **Part II. - Electronic Case Filing Instructions**

<a href="#">13. <u>ECF Basics.....</u></a>	<a href="#">10</a>
--	--------------------

<a href="#">14. <u>Opening a Civil Action.....</u></a>	<a href="#">14</a>
--	--------------------

<a href="#">15. <u>Amended Pleadings and Motions.....</u></a>	<a href="#">15</a>
---	--------------------

<a href="#">16. <u>Default Judgments.....</u></a>	<a href="#">16</a>
---	--------------------

<a href="#">17. <u>Appeals .....</u></a>	<a href="#">18</a>
--	--------------------

<a href="#">18. <u>Non-Electronic Documents.....</u></a>	<a href="#">19</a>
--	--------------------

<a href="#">19. <u>Service of Electronically Filed Documents.....</u></a>	<a href="#">21</a>
---	--------------------

<a href="#">20. <u>Attorney Appearances.....</u></a>	<a href="#">22</a>
--	--------------------

<a href="#">21. <u>Privacy and Public Access to ECF Cases.....</u></a>	<a href="#">23</a>
--	--------------------

<a href="#">22. <u>ECF Passwords.....</u></a>	<a href="#">25</a>
---	--------------------

<a href="#">23. <u>ECF Computer System Information.....</u></a>	<a href="#">27</a>
---	--------------------

<a href="#">24. <u>ECF Help Desk and Training.....</u></a>	<a href="#">28</a>
--	--------------------

## Introduction

The United States District Court for the Southern District of New York implemented a Case Management / Electronic Case Filing (ECF) system in December 2003. Electronic versions of documents have largely replaced paper documents in the Court's files. All new civil and criminal cases filed in this Court after December 2, 2003 are Electronic Case Filing (ECF) cases. *Pro se* litigants must file pleadings and documents in the traditional manner on paper unless the assigned judge has granted permission to electronically file on the ECF system. The information in this document applies only to cases assigned to the ECF system.

Please reference any [Addenda](#) to these Rules & Instructions for interim updates.

The following should be observed when filing electronically: the Federal Rules of Civil and Criminal Procedure; the Court's Local Rules; the assigned judge's Individual Practices; and these Electronic Case Filing Rules & Instructions.

The Court is prepared to assist you in filing electronically:

- The SDNY Electronic Case Filing Rules & Instructions are your guide to electronic filing.
- Training in Electronic Case Filing (ECF) is available both in person at the courthouse and online at [www.nysd.uscourts.gov/ecf\\_training.php](http://www.nysd.uscourts.gov/ecf_training.php) (*See also section 24 - ECF Help Desk and Training*).

## **What's New**

### **March 17, 2014, Edition**

Effective March 17, 2014, amended pleadings must be filed electronically on the Court's ECF system. Summonses will be requested and issued electronically on the ECF system. See section 15 for details.

When opening a new civil case Filing Users are required to e-mail to the Clerk's Office the case opening documents. Effective January 27, 2014, a PDF/A copy of the Civil Cover Sheet, form JS 44C/SDNY, and a Related Case Statement (if applicable) must now be included in this email. See section 14.2 for details.

## Part I. Electronic Case Filing Rules

The Court will accept for filing documents submitted, signed or verified by electronic means that comply with the following rules.

### Section 1. Scope of Electronic Filing

**1.1** Except as expressly provided and in exceptional circumstances preventing a party from filing electronically, all documents required to be filed with the Court must be filed electronically. Any party unable to comply with this requirement must seek permission of the Court to file in the traditional manner, on paper. Unless otherwise ordered by the Court, documents filed by *pro se* litigants must be filed in the traditional manner, on paper, and will be scanned and docketed by the Clerk's Office into the ECF system.

**1.2** Unless limited by their terms to civil cases, the provisions of these procedures relating to electronic filing apply in criminal cases. Electronic filing procedures shall not apply to applications for arrest, search or electronic surveillance warrants; for other orders in aid of or ancillary to a criminal investigation; or to proceedings relating to the grand jury.

**1.3** The filing and service of the initial papers in a civil case, including the complaint, the issuance of the summons and the proof of service of the summons and complaint, as well as service of non-party subpoenas, will be accomplished in the traditional manner on paper in accordance with the Federal Rules of Civil Procedure and applicable Local Rules governing service, rather than electronically. In a criminal case, the indictment or information, including any superseders, shall also be filed and given to the defendant in the traditional manner on paper in accordance with the Federal Rules of Criminal Procedure and applicable Local Rules rather than electronically; in addition, service of subpoenas shall be made in the traditional manner on paper in accordance with the Federal Rules of Criminal Procedure and applicable Local Rules. After a case has been opened, counseled parties must promptly provide the Clerk of Court with electronic copies of all documents previously provided in paper form. All subsequent documents must be filed electronically except as provided in these Rules & Instructions or as ordered by the Court. ([See section 14 - Opening a Civil Action](#)).

**1.4** The Clerk of Court shall write and revise as necessary Instructions to guide Filing Users and maximize the efficiency of the Electronic Case Filing system. ([See Part II - Electronic Case Filing Instructions](#)).

### Section 2. Eligibility, Registration, Passwords

**2.1** Attorneys admitted to the bar of this Court, including those admitted *pro hac vice* and attorneys authorized to represent the United States, may register and may be required to register as Filing Users of the Court's ECF system. Unless excused by the Court, attorneys not already Filing Users appearing in cases must register as Filing Users. Registration is in a form prescribed by the Clerk and requires the Filing User's name, address, telephone number, Internet e-mail address and a declaration that the attorney is admitted to the bar of this Court or authorized to represent the United States or admitted *pro hac vice*. See the ECF page at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov) for details.

**2.2 (a)** The Court may permit or require a *pro se* party to a pending civil action to register as a Filing User in the ECF system solely for purposes of that action. Registration is in a form prescribed by the

Clerk and requires identification of the action as well as the name, address, telephone number and Internet e-mail address of the party. A sample [Motion for Permission for Electronic Case Filing is available here](#). The Court may require the party to attend in-person training for Electronic Case Filing as a condition of registering as a Filing User. If, during the course of the proceeding, the party retains an attorney who appears on the party's behalf the attorney must advise the Clerk to terminate the party's registration as a Filing User upon the attorney's appearance.

(b) A *pro se* party who is not incarcerated may consent to be a Receiving User (one who receives notices of court filings by e-mail instead of by regular mail, but who cannot file electronically). A sample [Pro Se \(Nonprisoner\) Consent & Registration Form to Receive Documents Electronically is available here](#).

**2.3** Once registration is completed the Filing User will receive notification of the user log-in and password. Filing Users agree to protect the security of their passwords and immediately notify the Clerk if they learn that their password has been compromised.

**2.4** In a civil action the Clerk will transmit Notices of Electronic Filing (NEF) to (a) each attorney identified on the Civil Cover Sheet, (b) each additional attorney who subsequently appears in the action and electronically files a Notice of Appearance, (c) any *pro se* party who has received permission from the Court to register as a Filing User, and (d) any *pro se* party who has registered as a Receiving User. In a criminal case the Clerk will enter, as Filing Users to whom Notices of Electronic Filing will be transmitted and who will be granted access to electronically file and retrieve documents in the case, the attorney(s) for the United States identified on the Criminal Designation Form or subsequently identified as representing the United States in the case and each attorney electronically filing a Notice of Appearance on behalf of a defendant.

**2.5** An attorney of record may, by written request to the judge, have transmission of Notices of Electronic Filing (NEF) to another attorney in his or her firm terminated. Please review the judge's Individual Practices. ([See section 22 - ECF Passwords](#)).

### **Section 3. Consequences of Electronic Filing**

**3.1** Except as otherwise provided in section 4 herein, electronic filing of a document in the ECF system consistent with these procedures, together with the transmission of a Notice of Electronic Filing (NEF) from the Court, constitutes filing of the document for all purposes of the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, and the Local Rules of this Court and constitutes entry of the document on the docket kept by the Clerk under Federal Rules of Civil Procedure 58 and 79 and Federal Rules of Criminal Procedure 49 and 55.

**3.2** When a document has been filed electronically, the official record is the electronic recording of the document as stored by the Court (subject to the exception set out in section 4 below), and the filing party is bound by the document as filed. Except in the case of documents first filed in paper form and subsequently submitted electronically under section 1, a document filed electronically is deemed filed on the date and time stated on the Notice of Electronic Filing (NEF) from the Court. For *pro se* litigants, paper documents filed with the Court, and subsequently scanned and docketed to the ECF system, shall be deemed filed on the date the documents are received by the Court.

**3.3** Electronic filing must be completed before midnight local time where the Court is located in order to be

considered timely filed that day.

**3.4** Judges' Individual Practices should continue to be followed with respect to delivery of courtesy copies. ([See section 19 - Service of Electronically Filed Documents](#)).

#### **Section 4. Entry of Court Orders**

**4.1** All orders, decrees, judgments and proceedings of the Court will be filed in accordance with these procedures and entered on the docket kept by the Clerk under Federal Rules of Civil Procedure 58 and 79 and Federal Rules of Criminal Procedure 49 and 55. Orders of the Court may appear solely in electronic form. Documents may be signed by a judge using an electronic signature or may be scanned so as to contain an image of the judge's signature.

**4.2** A Filing User submitting a document electronically that requires a judge's signature must promptly deliver the document in such other form, if any, as the Court requires. ([See section 18 - Non-Electronic Documents](#)).

**4.3** All Filing and Receiving Users have an obligation to review the Court's actual order, decree, or judgment, as available on ECF, and should not rely on the description of such order, decree or judgment in the Notice of Electronic Filing (NEF) alone. In the case of any discrepancy between an order, decree, or judgment of the Court and the description of such order, decree, or judgment in the NEF, the order, decree, or judgment of the Court shall control.

#### **Section 5. Attachments and Exhibits**

**5.1** Filing Users must submit in electronic form all documents referenced as exhibits or attachments, unless the Court permits paper filing.

**5.2** A Filing User must submit as exhibits or attachments only those excerpts of the referenced documents that are relevant to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments under this procedure do so without prejudice to their right to file timely additional excerpts or the complete document. Responding parties may file timely additional excerpts that they believe are relevant or the complete document. A party may move before the Court for permission to serve and file in hard copy documents that cannot be reasonably scanned.

**5.3** In cases where the record of an administrative or other prior proceeding must be filed with the Court, such record may be served and filed in hard copy without prior motion and order of the Court. ([See section 15 - Motions](#)).

#### **Section 6. Sealed Documents**

**6.1** Documents may not be placed under seal without leave of the Court. Documents ordered to be placed

under seal may not be filed electronically.

**6.2** A motion to file documents under seal should be filed electronically unless prohibited by law, in redacted form if necessary; however, a motion to file under seal that includes a statement of why the filing should not be made electronically may be made in paper copy. The order of the Court authorizing the filing of documents under seal may be filed electronically unless prohibited by law. For complete instructions see the sealed records filing instructions on the Cases page at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov).

**6.3** A paper copy of the sealing order must be attached to the outside of the envelope containing the documents under seal and be delivered to the Clerk's Office. ([See section 18 - Non-Electronic Documents](#)).

## **Section 7. Retention Requirements**

Documents that are electronically filed and require original signatures other than that of the Filing User must be maintained in paper form by the Filing User until one year after all time periods for appeals expire, except that affidavits, declarations and proofs of service must be maintained in paper form by the Filing User until five years after all time periods for appeals expire. On request of the Court, the Filing User must provide original documents for review.

## **Section 8. Signatures**

**8.1** The user log-in and password required to submit documents to the ECF system serve as the Filing User's signature on all electronic documents filed with the Court. They also serve as a signature for purposes of the Federal Rules of Civil Procedure, including Rule 11, the Federal Rules of Criminal Procedure, the Local Rules of this Court, and any other purpose for which a signature is required in connection with proceedings before the Court.

**8.2** Electronically filed documents must include a signature block and must set forth the name, address, telephone number and e-mail address all in compliance with the Federal Rules of Civil Procedure and Local Civil Rule 11.1. In the absence of a scanned signature image, the name of the Filing User under whose log-in and password the document is submitted must be preceded by an "s/" typed in the space where the signature would otherwise appear.

**8.3** No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

**8.4** A document requiring the signature of a defendant in a criminal case may be electronically filed only in a scanned format that contains an image of the defendant's signature.

**8.5** Documents requiring signatures of more than one party must be electronically filed either by: (a) submitting a scanned document containing all necessary signatures; (b) representing the consent of the other parties on the document; (c) identifying on the document the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than three business days after filing; or (d) in any other manner approved by the Court. ([See section 13 - ECF Basics](#)).



## **Section 9. Service of Documents by Electronic Means**

**9.1** In cases assigned to the ECF system, service is complete provided all parties receive a Notice of Electronic Filing (NEF), which is sent automatically by email from the Court (see the NEF for a list of who did/did not receive notice electronically). Transmission of the NEF constitutes service upon all Filing and Receiving Users who are listed as recipients of notice by electronic mail. It remains the duty of Filing and Receiving Users to maintain current contact information with the court and to regularly review the docket sheet of the case.

**9.2** Attorneys and *pro se* parties who are not Filing or Receiving Users must be served with a paper copy of any electronically filed pleading or other document. Service of such paper copy must be made according to the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure and the Local Rules. Such paper service must be documented by electronically filing proof of service. Where the Clerk scans and electronically files pleadings and documents on behalf of a *pro se* party, the associated NEF constitutes service.

## **Section 10. Notice of Court Orders and Judgments**

Immediately upon the entry of an order or judgment in a proceeding assigned to the ECF system, the Clerk will transmit to all Filing and Receiving Users in the case, in electronic form, a Notice of Electronic Filing (NEF). Electronic transmission of the NEF constitutes the notice required by Federal Rule of Criminal Procedure 49(c) and Federal Rule of Civil Procedure 77(d). In ECF cases, it remains the duty of Filing and Receiving Users to regularly review the docket sheet of the case. The Clerk must give notice in paper form to a person who is not a Filing or Receiving User in accordance with the Federal Rules of Civil Procedure or the Federal Rules of Criminal Procedure. In the case of any discrepancy between an order, decree, or judgment of the Court and the description of such order, decree, or judgment in the NEF, the order, decree, or judgment of the Court shall control. ([See section 19 - Service of Electronically Filed Documents](#)).

## **Section 11. Technical Failures**

A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the Court. ([See section 23 - ECF Computer System Information](#)).

## **Section 12. Public Access**

A person may review filings that have not been sealed by the Court, in person, at the Clerk's Office.

A person may also view available Court records on-line through the Public Access to Court Electronic Records (PACER) electronic public access service at [pacer.gov](http://pacer.gov) (separate PACER log-in and password required). A person who has PACER access may retrieve docket sheets in civil, criminal and miscellaneous cases; documents in civil and miscellaneous cases assigned to the ECF System; and documents in criminal cases filed after November 1, 2004. Only counsel for the United States and for a defendant may retrieve documents in criminal cases filed prior to November 1, 2004. ([See section 13 - ECF Basics](#)).

## **Part II. Electronic Case Filing Instructions**

### **Section 13. ECF Basics**

#### **13.1 May letters be filed electronically?**

Effective September 3, 2013, except for letters to be filed under seal, letters addressed to judges who accept letters may be filed electronically. Parties should consult the assigned judge's Individual Practices to determine if the judge accepts letters at all and, if he or she does, whether the judge has any page limitations on letters and/or requires courtesy copies of letters filed on ECF (and, if so, by what means of delivery). All letters addressed to the Court must include a subject line with the case name and docket number (e.g., "Re: *Doe v. Smith*, 13 Civ. 1234 (ABC)"). Letters solely between parties or their counsel or otherwise not addressed to the Court may not be filed electronically on ECF (except as exhibits to an otherwise properly filed document).

In civil cases, letters filed electronically must be filed in the following manner:

- Letters that are informational in nature, and do not request relief, should be filed using the ECF Filing Event LETTER listed under OTHER DOCUMENTS.
- Letters requesting relief must be permitted by the Local Rules and these Rules, and must be filed using the ECF Filing Event MOTION. After selecting the ECF Filing Event MOTION, the Filing User should identify the motion as a LETTER-MOTION. The Filing User must then select from the following list of motions that may be made by LETTER-MOTION:
  - Motion to Adjourn Conference
  - Motion to Change Attorney Name on Roll
  - Motion for Conference
  - Motion for Local Rule 37.2 Conference
  - Motion for Extension of Time
  - Motion for Extension of Time re Transcript
  - Motion for Extension of Time to Amend
  - Motion for Extension of Time to Complete Discovery
  - Motion for Extension of Time to Answer
  - Motion for Extension of Time to File Document
  - Motion for Extension of Time to File Response/Reply
  - Motion for Leave to File Excess Pages
  - Motion to Reopen Case
- If the Filing User is making a type of motion that does not appear in this list, the motion may not be made by letter.
- If a motion is made by letter, the opposing party may file any response in letter form and the moving party may file any reply in letter form. When filing such a response letter or reply letter, the Filing User should answer yes when prompted if the filing is in connection with a letter-motion.

In criminal cases, letters filed electronically must be filed in the following manner:

- Letters relating to sentencing should be filed using the the ECF Filing Event SENTENCING SUBMISSION.
- All other letters requesting relief should be filed using the ECF Filing Event MOTION. After selecting the ECF Filing Event MOTION, the Filing User should identify the motion as a LETTER-MOTION. If a motion is made by letter, the opposing party may file any response in letter form and the moving party may file any reply in letter form. When filing such a response letter or reply letter, the Filing User should answer yes when prompted if the filing is in connection with a LETTER-MOTION.
- All other letters — that is, letters that are informational in nature and do not request relief — should be filed using the ECF Filing Event LETTER listed under OTHER DOCUMENTS.

### **13.2 In brief, how do I file a document electronically?**

- (a) Use the secure SDNY ECF password to log-in to the ECF system from any Internet connection.
- (b) Select the appropriate category, CIVIL or CRIMINAL.
- (c) Find the appropriate ECF Filing Event or title for the document. Find a list of ECF filing events in the [ECF Filing Event Dictionary](#).
- (d) Indicate the party filing the document (hold down the control key to designate more than one party).
- (e) Upload a PDF-A copy of the document. Include any exhibits as attachments to the main document. Separately file supporting documents such as a Memorandum of Law or Affidavit in Support.
- (f) Save the final screen, the Notice of Electronic Filing (NEF).
- (g) Submit a paper courtesy copy to the judge if required (see the judge's Individual Practices at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov)).

### **13.3 What is the secure website for electronic filing on the SDNY ECF system?**

To file electronically, go to <https://ecf.nysd.uscourts.gov>, or link to the filing website via the Court's website (see below). You will need your SDNY ECF log-in and password to file electronically.

### **13.4 What is the public website for information about the Court?**

For publicly available information, go to [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov) (no password required). From the homepage click on ECF for information on Electronic Case Filing.

### **13.5 What are the mailing addresses for the Court?**

United States District Court, Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007-1312;

United States District Court, Southern District of New York, Thurgood Marshall United States Courthouse, 40 Centre Street, New York, NY 10007-1312; and

United States District Court, Southern District of New York, Charles L. Brieant Jr. Federal Building and United States Courthouse, 300 Quarropas Street, White Plains, NY 10601-4150.

### **13.6 How can I tell if my case is an ECF case?**

All new civil and criminal cases are assigned to the ECF system. The docket sheet will include the letters “ECF” in the upper right corner and an entry titled “CASE DESIGNATED ECF”.

### **13.7 If a case is deemed an ECF case, am I required to file documents electronically?**

Yes. In an ECF case the Filing User is responsible for electronically filing documents over the Internet using a secure SDNY log-in and password. With certain exceptions outlined below, the Clerk’s Office will not accept paper filings in an ECF case. (See [section 18 - Non-Electronic Documents](#)).

### **13.8 May I file documents electronically in a non-ECF (paper) case?**

No. Do not file documents electronically in non-ECF (paper) case.

### **13.9 Will the Court file documents electronically in a non-ECF (paper) case?**

Yes, the Court may file Orders and Opinions in electronic format in a non-ECF (paper) case. This will not convert a non-ECF case to an ECF case, and parties should continue to file documents on paper.

### **13.10 Can I file electronically at any time?**

Yes. You can file electronically 24 hours a day, 7 days a week, 365 days a year. Filing must be completed before midnight local time where the Court is located in order to be considered timely filed that day. (See [section 3 - Consequences of Electronic Case Filing](#)).

### **13.11 When is an electronically filed document deemed filed?**

An electronically filed document is deemed filed on the “filed on” date indicated on the Notice of Electronic Filing (NEF). (See [section 3 - Consequences of Electronic Case Filing](#)).

### **13.12 What is a docket sheet, and how can I view one?**

The docket sheet is the official record of a case. You can view the docket sheet, including images of electronically filed documents, at the Clerk’s Office or remotely via the Public Access to Court Electronic Records (PACER) electronic public access service ([pacer.gov](#)). (See [section 12 - Public Access](#)).

**13.13 Should I routinely view the docket sheet in my case?**

Yes. In ECF cases parties are alerted to case activity by a Notice of Electronic Filing (NEF) sent by email. However, e-mail is not infallible. It remains the duty of Filing and Receiving Users to regularly review the docket sheet of the case in order not to miss a filing. ([See section 9 - Service of Documents by Electronic Means](#)).

**13.14 How do I sign an electronically filed document?**

The ECF log-in and password of the filing attorney serve as an electronic signature. The filing attorney may sign a document using a digital image of his or her signature or by placing an “s/” before his or her typed name. The attorney’s name and contact information, including e-mail address, must appear in the signature block below the signature line. Signatures for all other persons (clients, witnesses, etc.) must be scanned in order to capture the actual ink signature. ([See section 8 - Signatures](#)).

**13.15 How will I know if it is appropriate to electronically file my document?**

First, determine if your case is an ECF case - not all cases are ECF cases. When filing in an ECF case if you can find an ECF Filing Event that directly matches your document then it should be electronically filed. If you cannot find a matching ECF Filing Event it probably should not be electronically filed. The ECF Event Dictionary (available on our public website at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov)) is useful for finding your event and the category in which it is listed. See the list of non-ECF documents in section 18. ([See section 24 - ECF Help Desk and Training](#)).

**13.16 How do I find the correct ECF Filing Event for my document?**

When filing electronically you will be asked to name your document by selecting the appropriate ECF Filing Event. The ECF Filing Event is essentially the title of the document on the docket sheet, such as Motion for Summary Judgment or Affidavit in Support of Motion. ECF Filing Events are listed by category on the ECF system. Within each category is an alphabetical listing of available ECF Filing Events. You may use the search function to find your Filing Event. The ECF Event Dictionary (available on our website at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov)) is useful for finding your event and the category in which it is listed. If you cannot find the appropriate event for your document do not file it using the wrong event. Call the ECF Help Desk at (212) 805-0800 for assistance if necessary. ([See section 24 - ECF Help Desk and Training](#)).

**13.17 Should I continue to submit courtesy copies?**

Read the judge’s Individual Practices to learn if courtesy copies are required. Individual Practices are available on-line at [www.nysd.uscourts.gov/judges](http://www.nysd.uscourts.gov/judges). ([See section 3 - Consequences of Electronic Case Filing](#)).

**13.18 Are transcripts filed electronically?**

Pursuant to the Judicial Conference of the United States Policy on Privacy and Public Access to Electronic Case Files, official transcripts of Court proceedings taken by official court reporters, contract court reporters and transcribers may be available electronically through the PACER electronic public access service.

**13.19 In Consolidated and MDL cases can I file simultaneously in member cases?**

Yes. When filing in Consolidated and Multi-District Litigation (MDL) cases you can save time by electronically filing a document simultaneously in the member case(s) using the computer function titled “Spread Text and Effects” (not available in related cases). Please observe the following MDL filing rules:

- In consolidated and MDL cases you must file all documents first under the Lead or MDL case number.
- You then may precisely designate the member case(s) in which you wish to simultaneously file.
- Do not file in all cases unless it is appropriate. Your document may not relate to all member cases.
- The case caption must include all the case numbers in which your document will be filed.

**13.20 What if I make a mistake in electronic filing?**

Contact the ECF Help Desk via email at [helpdesk@nysd.uscourts.gov](mailto:helpdesk@nysd.uscourts.gov), or by telephone at (212) 805-0800, Monday through Friday during normal Clerk’s Office hours. ([See section 24 - ECF Help Desk and Training](#)).

**Section 14. Opening a Civil Action**

**14.1** Cases are opened and service of the initiating documents (complaint, notice of removal, etc.) is accomplished in the traditional manner, on paper. Filing parties are required to submit to the Clerk’s Office the following documents **(a)** the case initiating document, **(b)** the Civil Cover Sheet, form JS 44C/SDNY, **(c)** a Related Case Statement (if applicable), and **(d)** the fee (if applicable).

**14.2** Within 24 hours of the assignment of a case number, Filing Users are required to e-mail to the Clerk’s Office **(a)** the case initiating document, **(b)** the Civil Cover Sheet, form JS 44C/SDNY, and **(c)** a Related Case Statement (if applicable). The case number followed by the judge’s initials must appear in the case caption. Each document must be in a separate PDF-A file no larger than 4 megabytes (separate large files into smaller parts if necessary, and label accordingly). The subject line of the e-mail and the name of the file should list the case number followed by a brief document description (ex. “Re: 01cv1234 KMW-complaint”). Failure to do so within 24 hours will delay adding your documents to the computerized ECF docket.

Send a copy of the initiating documents by e-mail (do not file on the ECF system) to:

- For new civil cases assigned to a Manhattan judge e-mail to:  
**caseopenings@nysd.uscourts.gov**
- For new civil cases assigned to a White Plains judge e-mail to:  
**wpclerk@nysd.uscourts.gov**

*Pro se* litigants are exempt from this Rule.

**14.3** File the proof of service for the initiating document in the following manner:

- (a) Electronically file the proof of service for the initiating document on the ECF system (do not e-mail), and
- (b) Deliver the original paper proof of service, with summons attached, to the Clerk's Office. Include a copy of the ECF Notice of Electronic Filing (NEF or filing receipt).

*Pro se* litigants who have been granted *in forma pauperis* (IFP) status are exempt from this Rule.

*Pro se* litigants who have not been granted IFP status shall deliver the original paper proof of service with summons attached to the Clerk's Office. ([See section 19 - Service of Electronically Filed Documents](#)).

**14.4** In order to alert an adversary to the requirements of Electronic Case Filing and the assigned Judge's Individual Practices you are required to send the following documents (available at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov)), either as a pdf attachment to an e-mail or in paper form, to all parties: (a) Electronic Case Filing Rules & Instructions (this document); and (b) the [Individual Practices](#) of the assigned Judge. *Pro se* litigants who are not Filing Users are exempt from this Rule.

**14.5** Subsequent documents, including any F.R.C.P. Rule 7.1 Disclosure Statement and the Defendant's Answer, must be filed electronically on the ECF system. With the exception of documents filed by *pro se* litigants and other limited exceptions the Clerk's Office will not accept a paper document for filing in an ECF case. ([See section 18 - Non-electronic Documents](#)).

**14.6** *Pro se* parties are not permitted to file documents electronically without permission of the Court and must file documents with the Clerk in the traditional manner on paper. The Clerk's Office will scan documents received from *pro se* parties and file them electronically on the ECF system. *Pro se* parties may file a [Motion for Permission for Electronic Case Filing](#). Attorneys in *pro se* cases must electronically file their documents using the ECF system. ([See section 1 - Scope of Electronic Filing](#))

## **Section 15. Amended Pleadings and Motions**

**15.1** Are amended pleadings filed electronically?

Yes. After a case is opened in accordance with section 14 of these Rules, all subsequent amended complaints, intervenor complaints, third party complaints, etc. must be filed electronically on the ECF system. Filers should review the judge's Individual Practices to determine if courtesy copies are necessary.

**15.2** How are summonses issued when electronically filing an amended pleading?

If a party is added when electronically filing an amended pleading, a summons should be requested by electronically filing a REQUEST FOR ISSUANCE OF SUMMONS and attaching a proposed summons in PDF/A format. Where multiple parties are added, a rider may be attached to a single summons listing all new parties. In response, the Clerk's Office will electronically file a SUMMONS ISSUED event containing a summons with an electronic seal suitable for printing. Summons forms are available at



[www.nysd.uscourts.gov](http://www.nysd.uscourts.gov). A summons is not necessary when no party is added to a case.

### **15.3 Are sealed pleadings filed electronically?**

No. See sealed filing instructions at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov).

### **15.4 What ECF Filing Event should be used to file a motion?**

A motion must be filed using an ECF Filing Event beginning with the word “Motion.” The ECF system contains over 160 separate motion Filing Events for your use, all beginning with the word “Motion” (e.g., “Motion for Summary Judgment,” etc.). See the [ECF Filing Events Dictionary](#) for a complete list of motions and supporting documents. Do not use the “Notice” filing event to file a motion.

### **15.5 Should I file supporting papers as attachments to the motion?**

No. File supporting or response documents separately under the appropriate ECF Filing Event found in the category “Replies, Opposition and Supporting Documents.” For example, a motion, an affidavit in support and a memorandum of law in support must each be filed separately.

### **15.6 What ECF Filing Event should be used to file supporting papers?**

Use the appropriate ECF Filing Events for supporting papers found in the category “Replies, Opposition and Supporting Documents” (e.g. Affidavit in Support of Motion, Memorandum of Law in Support of Motion, etc.). Never use the ECF Filing Event for Motion to file supporting papers. For example, filing a motion, an affidavit in support and a memorandum of law in support, and labeling each one “Motion” would make it appear incorrectly that three motions were filed instead of one.

### **15.7 How do I file exhibits?**

Exhibits must be filed only as attachments to a document, such as a motion or an affidavit. Do not use the ECF Filing Event for “Motion” to file exhibits separately. Exhibits are the only items that should be attached to electronically filed documents. You are limited to electronically filing only relevant excerpts of exhibits. Excerpts must be clearly identified as such. If the exhibit is too large to be scanned and electronically filed you may contact the ECF Help Desk. ([See section 5 - Attachments and Exhibits](#)).

### **15.8 How can I learn to electronically file amended pleadings and motions?**

Instructions and training information are available at [www.nysd.uscourts.gov/ecf\\_training.php](http://www.nysd.uscourts.gov/ecf_training.php).

## **Section 16. Default Judgments**

### **16.1 How do I file a Default Judgment?**

Consult the Individual Practices of the assigned judge to determine the appropriate method (at



[www.nysd.uscourts.gov](http://www.nysd.uscourts.gov)). If the judge's Individual Practices contain no specific rules regarding Default Judgments you should follow section 16.4 below.

When electronically filing a Request to Enter Default Judgment before submitting a Default Judgment, you must:

- (a) file an unsigned Clerk's Certificate as an attachment to the Request to Enter Default;
- (b) submit a paper copy of the proposed Clerk's Certificate to the Orders and Judgments Clerk (the clerk will sign and docket the Clerk's Certificate); and
- (c) after completion of the above, you may then move for a Default Judgment using the appropriate method outlined in section 16.2, 16.3 or 16.4 below.

When necessary, submit paper documents to the Orders and Judgments Clerk in Manhattan or White Plains, depending upon where the judge sits. If sending documents by mail, enclose a return envelope with postage. For mailing addresses [see section 13 - ECF Basics](#).

#### **16.2 Default Judgment brought by Motion:**

- (a) Submit to the Orders and Judgments Clerk a paper Clerk's Certificate. The clerk will sign and docket the Certificate, and provide a copy to the filing party.
- (b) Electronically file the Motion for Default Judgment on the ECF system. The following items should be filed as attachments to the Motion: (1) the signed Clerk's Certificate; and (2) a copy of the Summons and Complaint with proof of service. The following supporting documents should be filed as separate ECF Filing Events: Affidavit in Support; and Statement of Damages (unless requesting an inquest).
- (c) Electronically file proof of service for the Motion for Default Judgment.
- (d) Submit a courtesy copy of the Motion to the judge, including a copy of the original signed Clerk's Certificate and a copy of the proof of service.

#### **16.3 Default Judgment brought by Order to Show Cause (O.S.C.):**

- (a) Submit to the Orders and Judgments Clerk a paper original of the O.S.C. Include as exhibits to the Affidavit in Support a Clerk's Certificate and a proposed Default Judgment. Include courtesy copies of all documents.
- (b) If signed by the Court, the Clerk's Office will electronically file only the Order. After the Order appears on the docket sheet, the attorney must electronically file all supporting papers.
- (c) Electronically file proof of service for the O.S.C.

#### **16.4 Default Judgment brought on by Default Judgment and Order:**

- (a) Submit to the Orders and Judgments Clerk: (1) a paper original of the proposed Default Judgment and Order; (2) the Affidavit in Support; (3) a Statement of Damages (unless requesting an inquest); (4) a copy of the Summons and Complaint with proof of service; and (5) a Clerk's Certificate. The papers will be forwarded to the judge for signature.
- (b) If signed by the Court, the Clerk's Office will electronically file only the Order. After the Order appears on the docket sheet, the attorney must electronically file all supporting papers.

### **Section 17. Appeals**

#### **17.1 How do I file a Notice of Appeal in a civil case?**

In civil cases Filing Users must electronically file any Notice of Appeal through the ECF system. The fee is paid on-line through the ECF system. Instructions and training are available at [nysd.uscourts.gov/ecf\\_training.php](http://nysd.uscourts.gov/ecf_training.php).

*Pro se* litigants who are not Filing Users are exempt from that portion of this Rule that requires litigants to electronically file the Notice of Appeal. The Clerk's Office will scan and electronically file all proper appellate papers received from *pro se* litigants who are not Filing Users.

#### **17.2 How do I file a Notice of Appeal in a criminal case?**

A Notice of Appeal in a criminal case must be filed in the traditional manner on paper either at the courthouse or by mail. Include the filing fee if necessary. Within 24 hours of filing the paper copy of your Appeal, you are required to e-mail to the Clerk's Office a stamped electronic copy of the Notice of Appeal in PDF-A format. Include any exhibits. Each document must be in a separate file no larger than 4 megabytes. The District Court case number followed by the judge's initials must appear in the document's case caption. When sending e-mail, the subject line of the e-mail should always list the case number followed by a document description (e.g., "Re: 01cv1234-appeal"). Questions may be directed to the Appeals Clerk in Manhattan at (212) 805-0636, or in White Plains at (914) 390-4000. Send the e-mail (do not file on the ECF system) to:

- For appeals from an ECF case assigned to a Manhattan judge's e-mail to:  
**[appeals@nysd.uscourts.gov](mailto:appeals@nysd.uscourts.gov)**
- For appeals from an ECF case assigned to a White Plains judge's e-mail to:  
**[wpclerk@nysd.uscourts.gov](mailto:wpclerk@nysd.uscourts.gov)**

*Pro se* parties who are not Filing Users are exempt from that portion of this Rule that requires litigants to e-mail to the Clerk's Office the Notice of Appeal. The Clerk's Office will scan and electronically file all proper appellate papers received from *pro se* litigants who are not Filing Users.

## **Section 18. Non-Electronic Documents**

### **18.1 In an ECF case are there documents that should not be electronically filed?**

Yes, including:

- Civil case initiating documents (complaint, notice of removal, etc.), see section 14;
- Miscellaneous case initiating documents, see below;
- Proposed orders; proposed judgments, stipulations; consents, see below;
- Orders to show cause / temporary restraining orders, see below;
- Sealed documents, see below;
- Surety bonds, see below;
- ~~Bill of Costs~~, see below; and
- Notices of Appeal in criminal cases, see section 17;

### **18.2 How is a Miscellaneous case opened?**

Civil miscellaneous cases are opened in the traditional manner, on paper. Subsequent documents must be electronically filed on the ECF system. A party initiating a civil miscellaneous case is required to submit the following:

- (a) A completed [miscellaneous civil cover sheet](#) (original & two copies).
- (b) The hard copy of the civil miscellaneous application and any other supporting documents.
- (c) The [applicable filing fee](#).

Within 24 hours of the assignment of a case number, the filing party is required to e-mail the PDF-A copy of the initiating document, any supporting documents and the civil miscellaneous case cover sheet to:

- For miscellaneous applications assigned to Manhattan e-mail to:  
**[miscfoley@nysd.uscourts.gov](mailto:miscfoley@nysd.uscourts.gov)**
- For miscellaneous applications assigned to White Plains e-mail to:  
**[miscwhiteplains@nysd.uscourts.gov](mailto:miscwhiteplains@nysd.uscourts.gov)**

The subject line of the e-mail and name of the file should list the case number followed by a brief document description (e.g., "Re: 10 MC 1234 - a letter rogatory"). Each document must be in a separate PDF-A format file no larger than 4.0 megabytes (separate large computer files into smaller parts if necessary). Failure to do so within 24 hours will delay adding your documents to the computerized ECF docket.

The party commencing the civil miscellaneous action is required to serve initiating documents on the opposing party in the traditional manner on paper. Filing Users must electronically file the proof of service for the initiating documents on the ECF system. The original paper proof of service is required to be delivered to the Clerk's Office along with a copy of the ECF Notice of Electronic Filing (NEF) of the proof of service (the filing receipt).

There is no fee for the subsequent filing of any opposition/response and/or reply papers. *Pro se* parties who are not Filing Users are exempt from those portions of this rule requiring electronic filing.

**18.3 Are Proposed Orders, Proposed Judgments, Stipulations or Consents filed electronically?**

No. Any document that requires the signature of a judge should not be electronically filed except as an exhibit to another document. Proposed orders, judgments, stipulations and consents should not be submitted through the ECF system. Instead they should be sent by e-mail to the Clerk. Proposed orders should be submitted in word processing format (WordPerfect or Word) rather than as a PDF document. Stipulations should be submitted in PDF-A format. Stipulations must contain ink signatures not s/. Please note that Stipulations of Voluntary Dismissal pursuant to F.R.C.P. Rule 41(a)(1)(A)(ii) do not require the signature of a judge and must be electronically filed on the ECF system. Questions may be directed to the Orders and Judgments Clerk in Manhattan at (212) 805-0143 or in White Plains at (914) 390-4000. E-mail the proposed order, judgment or stipulation to:

- For cases assigned to a Manhattan judge e-mail to:  
**judgments@nysd.uscourts.gov**
- For cases assigned to a White Plains judge e-mail to:  
**wpclerk@nysd.uscourts.gov**

*Pro se* litigants who are not Filing Users are exempt from that portion of this Rule that requires litigants to e-mail proposed orders, judgments, stipulations and consents, and shall deliver such documents to the Clerk's Office in paper form.

**18.4 Must a Stipulation or Consent include a traditional ink signature?**

Yes. You cannot substitute s/ for a traditional ink signature for these documents. Faxed or e-mailed signatures are acceptable. ([See section 8 - Signatures](#)).

**18.5 Are Orders to Show Cause filed electronically?**

No. An Order to Show Cause or Temporary Restraining Order must be submitted in the traditional manner on paper, to the Orders and Judgments Clerk. If signed by the Court, the Clerk's Office will electronically file only the Order. After the Order appears on the docket sheet, the attorney must electronically file all supporting papers

**18.6 Are sealed documents filed electronically?**

No. Sealed documents are filed in the traditional manner on paper. The sealed envelope must contain the paper document and a CD-ROM containing a PDF-A copy of the document. A copy of the judge's sealing order must be attached to the outside of the envelope. ([See section 6 - Sealed Documents](#)).

**18.7 Are surety bonds filed electronically?**

No. Surety bonds are filed in the traditional manner on paper. Include a copy of the Court's Order regarding the bond.

## **18.8 Is a Bill of Costs filed electronically?**

~~No. A Bill of Costs should be filed in the traditional manner on paper.~~

Yes - See the March 1, 2015 Addendum for new instructions regarding the electronic filing of a Bill of Costs. See [Local Civil Rule 54.1](#) for details. See also the required [Bill of Costs form](#) at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov).

## **Section 19. Service of Electronically Filed Documents**

### **19.1 How is service accomplished for electronically filed documents?**

Filing and Receiving Users will receive a Notice of Electronic Filing (NEF) by e-mail whenever there is case activity. The NEF constitutes service upon all Filing and Receiving Users. A hyperlink to a PDF image of any electronically filed document will be included (not all activity includes a PDF document). The Clerk's Office will no longer mail paper copies of court-initiated documents to Filing and Receiving Users. The Clerk's Office will mail copies of all court-initiated documents to *pro se* parties who have not registered as Filing or Receiving Users. ([See section 9 - Service of Documents by Electronic Means](#)).

### **19.2 Am I required to serve a paper copy of an electronically filed document?**

Possibly. In cases assigned to the ECF system, if all parties receive a NEF, service is complete upon transmission of the NEF by the Court, and you are not required to serve a paper copy.

If any party does not receive a NEF, you are required to accomplish service on that party in the traditional manner on paper. Then you must electronically file proof of service (see below).

The NEF receipt will inform you who will receive notice of the filing "electronically" (by e-mail from the Court) and who will receive notice "by other means" (traditional service on paper). ([See section 9 - Service of Documents by Electronic Means](#)).

### **19.3 Am I required to electronically file proof of service in an ECF case?**

Only two circumstances require the electronic filing of proof of service in an ECF case:

- (a) Proof of service for the case initiating document must be filed as follows:
  - (1) Electronically file proof of service for the initiating document on the ECF system (do not send by e-mail), and
  - (2) Deliver the original paper proof of service with summons attached to the Clerk's Office. Attach a copy of the ECF filing receipt for this document.
- (b) Proof of service must be electronically filed any time a party is served with a paper document.

*Pro se* parties who are not Filing Users are exempt from that portion of this Rule requiring proof of service to

be filed electronically. ([See section 9 - Service of Documents by Electronic Means](#)).

#### **19.4 Is a filing timely if it is completed before midnight?**

Yes. Filing must be completed before midnight local time where the Court is located in order to be considered timely filed that day. ([See section 3 - Consequences of Electronic Case Filing](#)).

#### **19.5 Do I receive a receipt when I file electronically?**

Yes. When an electronic filing is successful the final screen will display a Notice of Electronic Filing (NEF), or filing receipt. The NEF indicates what was filed, by whom, when it was filed and if a document number was assigned on the docket sheet. If you do not see the NEF screen your filing may not have been successful and you are advised to check the docket sheet.

#### **19.6 Should I routinely view the docket sheet in my case?**

Yes. Although service is accomplished in ECF cases by an e-mail sent by the Court, e-mail is not foolproof and you risk missing an e-mail message. It remains the duty of Filing and Receiving Users to maintain current contact information with the court and to review regularly the docket sheet of the case. ([See section 9 - Service of Documents by Electronic Means](#)).

### **Section 20. Attorney Appearances**

#### **20.1 How does an attorney's name appear on the docket sheet?**

Each attorney whose name appears under the signature line on the initiating document will be added to the docket sheet when the Clerk's Office opens the case on the ECF system. The attorney responding to that filing must add his or her own name to the docket sheet the first time he or she appears in the case. When electronically filing the first document, the responding attorney must: (a) click to create an "Association" with the client (i.e. represent the client); (b) ensure the "Notice" box is checked to receive electronic notice of case activity; and (c) click the "Lead" attorney box if applicable. If the responding attorney is not offered the opportunity to create an "association" with the client on the first electronic filing, the attorney must electronically file a Notice of Appearance in order to appear on the docket.

#### **20.2 If the attorney's name is on the docket sheet why doesn't that attorney receive e-mail notification of filings?**

It could be because the attorney's name was added to the docket sheet before the attorney obtained an ECF password. In that case the attorney's name and firm address will appear at the top of the docket sheet, but the e-mail address will be missing. If this is the case the solution is to obtain an ECF password. Or it could be because the attorney filed a Notice of Appearance but failed to check the "Notice" box when creating an association with the client to receive e-mail notification of activity in the case. In this case, call the ECF Help Desk at (212) 805-0800. ([See section 24 - ECF Help Desk and Training](#)).

**20.3 How do I file a Notice of Appearance in an ECF case?**

An attorney who joins a case already in progress must electronically file a Notice of Appearance. When electronically filing the Notice of Appearance, the attorney must: (a) click to create an “Association” with the client (i.e., represent the client); (b) ensure the “Notice” box is checked to receive electronic notice of case activity; and (c) click the “Lead” attorney box if applicable. Please note the ECF system will not allow an attorney to file electronically a Notice of Appearance on behalf of another attorney. The Notice of Appearance and the ECF password must belong to the same attorney. ([See section 2 - Eligibility, Registration, Passwords](#)).

**20.4 How do I file a Motion for Admission *pro hac vice* in an ECF case?**

A Motion for Admission *pro hac vice* must be filed electronically and the associated fee paid on the ECF system. See the Attorney Admissions page at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov) for details and sample forms.

**20.5 Am I required to notify the Court when my contact information changes?**

Yes. To ensure communications from the court reach all parties, [Local Civil Rule 1.3\(d\)](#) requires an attorney to notify the court of any changes in contact information. For more information go to [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov). In addition, a *pro se* party must notify the court of any changes in contact information, whether or not the party is a Filing or Receiving User, by submitting a [Notice of Change of Address for Pro Se Litigants](#) form.

**20.6 What if only my e-mail address has changed?**

Filing Users can change their own e-mail addresses on the ECF system: log into the SDNY ECF system, click on Utilities, click on Maintain Your Account and E-mail Information. If, however, other contact information has changed, the directions above must be followed to update full contact information. Receiving Users must send a letter to the court to update any changes in contact information, including email addresses.

**20.7 Can I specify additional e-mail addresses to receive notification of activity in my cases?**

Yes. You can add alternate e-mail addresses in the ECF system by clicking on Utilities, Maintain Your Account, and E-mail Information.

**20.8 Can I receive electronic notification of activity in cases where I do not represent a party?**

Yes. You can add cases to your e-mail notification list on the ECF system even if you don’t represent a party to the case. Click on Utilities, Maintain Your Account, and E-mail Information.

**Section 21. Privacy and Public Access to ECF Cases****21.1 Has electronic filing expanded public access to documents?**

Yes, documents filed electronically on the ECF system are more widely available than ever before. Electronic documents can now be viewed over the Internet by anyone with a PACER account. In order to protect people’s

privacy and reduce the threat of identity theft, parties should be cautious when filing sensitive information.

## **21.2 Who is responsible for redacting sensitive information from filed documents?**

It is the sole responsibility of counsel and the parties to be sure that all documents comply with the rules of this Court requiring redaction of personal identifiers. Neither the judge nor the Clerk of Court will review documents for compliance with these rules.

## **21.3 Am I required to redact certain sensitive information in a document?**

Yes. Amendments to Federal Rule of Civil Procedure 5.2 and Criminal Procedure 49.1 require that personal identification information be redacted from documents filed with the Court. You should not include sensitive information in any document filed with the Court unless such inclusion is necessary and relevant to the case. A party wishing to file a document containing the personal data identifiers listed below must file a redacted version in the public file:

In all cases:

- Social Security Numbers: include only the last four digits of the number.
- Names of Minor Children: include only the initials of the child.
- Dates of Birth: include only the year.
- Financial Account #'s: include only the last four digits of these numbers.

In criminal cases:

- Home Addresses: include only the City and State.

## **21.4 Is there other sensitive information that I should consider redacting?**

Yes. Caution should be exercised when filing documents that contain the following:

- Personal identifying numbers (PIN #'s), such as a driver's license number
- Medical records, treatment and diagnosis
- Employment history
- Individual financial information
- Proprietary or trade secret information
- Information regarding an individual's cooperation with the government

## **21.5 Am I required to file sensitive information under seal?**

No. In addition to the redacted public filing a party may, but is not required to, file the personal data identifiers listed above by filing under seal. You may file under seal either: (a) a reference list or (b) an original, unredacted version of the document.

If you find it necessary to file sensitive information, the Court prefers a reference list to the filing of a complete



document. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. The reference list may be amended as of right.

#### **21.6 Are sealed documents filed electronically?**

No. Sealed documents are filed in the traditional manner on paper. The sealed envelope must contain the paper document and a CD-ROM containing a PDF-A format copy of the document. A copy of the judge's sealing order must be attached to the outside of the envelope. For complete instructions see the sealed records filing instructions on the Cases page at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov). (*See section 6 - Sealed Documents*).

#### **21.7 Who should maintain custody of original unredacted documents?**

Parties are responsible for maintaining possession of original, unredacted documents, and information redacted from publicly filed documents. The Court may later require counsel to furnish the unredacted information.

#### **21.8 What if I mistakenly file sensitive or confidential information?**

- (a) Contact the ECF Help Desk via email at [helpdesk@nysd.uscourts.gov](mailto:helpdesk@nysd.uscourts.gov), or by telephone at (212) 805-0800, Monday through Friday during normal Clerk's Office hours. The filing will be temporarily sealed and made invisible to the public.
- (b) After notifying the ECF Help Desk, the filing party must ask the judge, in writing, for the filing to be formally sealed by the Court.
- (c) Electronically file a redacted version of the mistaken filing.

### **Section 22. ECF Passwords**

#### **22.1 To file electronically in this Court, do I need an ECF password from the United States District Court for the Southern District of New York?**

Yes. To file electronically in this District Court you must have an ECF log-in and password issued by this Court. This password is unique, and is not the same as a password from another District or Bankruptcy Court, or a PACER password. Protect the security of your password by reporting a lost or stolen password immediately to the ECF Help Desk by email [helpdesk@nysd.uscourts.gov](mailto:helpdesk@nysd.uscourts.gov) or by telephone (212) 805-0800. (*See section 2 - Eligibility, Registration, Passwords*).

#### **22.2 Is my SDNY ECF password the same as my PACER password?**

No. Your SDNY ECF password is unique and is not the same as your password for the PACER electronic public access service. For information on PACER go to [pacer.gov](http://pacer.gov) or call (800) 676-6856.

### **22.3 Who can obtain an ECF password?**

ECF passwords are available to attorneys in good standing and *pro se* parties granted permission to file electronically

### **22.4 How do I obtain an ECF password if I am already admitted to practice in this Court?**

An attorney admitted to practice in this court may register for an ECF password on-line at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov).

### **22.5 How do I obtain an ECF password if I am not yet admitted to practice in this Court?**

The application to be admitted to the bar of this Court includes a request for an ECF password. Go to [www.nysd.uscourts.gov/atty\\_admission](http://www.nysd.uscourts.gov/atty_admission). If you wish to practice in one case only, you may move for admission *pro hac vice* (see instructions below).

### **22.6 How do I obtain an ECF password if I am admitted to practice *pro hac vice*?**

An attorney may be admitted to practice in one case by moving for admission *pro hac vice*. For complete *pro hac vice* motion and password instructions go to [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov), then click on Attorney Admission.

### **22.7 How do I obtain an ECF password if I am a *pro se* party?**

A *pro se* party may only obtain an ECF password with the permission of the judge assigned to the case. To obtain Court permission to file documents electronically, a *pro se* litigant should file a Motion for Permission for Electronic Case Filing, available at [www.nysd.uscourts.gov/forms](http://www.nysd.uscourts.gov/forms).

### **22.8 Do I need a new ECF password if I change law firms?**

No. Your ECF password will remain the same even if your contact information changes. [Local Civil Rule 1.3](#) requires an attorney to notify the court of any contact information changes. For more information go to [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov).

### **22.9 How will I know if my ECF password application was submitted successfully on-line?**

When you are ready click the “Submit” button on the bottom of the form. The screen will turn red and you will be asked to review your answers for accuracy. After review click “Proceed.” If the screen turns green your application was submitted successfully.

### **22.10 How long does it take to obtain an ECF password?**

Your ECF password will be sent to you by e-mail, within 48 hours of your on-line request. The Court recommends you print a copy of your ECF account information for your records.

## **Section 23. ECF Computer System Information**

### **23.1 What Internet browser should I use to file electronically on the ECF system?**

Each new version of ECF is tested with specific Internet browsers before release. Check the ECF log-in page for a list of approved Internet browsers.

### **23.2 What is a PDF-A file and how do I create one?**

All documents electronically filed on the ECF system must be in PDF-A format (portable document format). A PDF-A file is created using PDF writer software such as Adobe Acrobat (go to [Adobe.com](http://Adobe.com) for details). PDF-A files cannot be altered, providing security to the filer and the Court.

### **23.3 Is there a limit to the size of a document that can be filed on ECF?**

Yes. No single PDF file may be larger than 4.0 megabytes (4.0 mb). If the filing is too large, the ECF system will not allow it to be filed, and you will not see a Notice of Electronic Filing (NEF or filing receipt) screen. To determine the size of an Adobe Acrobat PDF file click on File, Document Properties, Summary.

### **23.4 What if my document exceeds the file size limit?**

Converting documents directly from a word processor to PDF-A format creates the smallest possible file in terms of computer memory. If that is not possible, scan your documents at low resolution. Within the Adobe Acrobat program, on the “Scan Manager” screen, adjust the settings for black and white and 200 dpi (dots per inch). This allows you to fit more pages into a single PDF-A file. If that doesn’t work, separate an oversized file into 2 or more parts. Simply label each file 1a, 1b, 1c, etc. Only relevant excerpts of exhibits should be electronically filed (see below). ([See section 24 - ECF Help Desk and Training](#)).

### **23.5 Do I need the Court’s permission to file on paper in an ECF case?**

Yes. If your document is too large to file electronically after following the directions above, you may seek permission from the judge to file on paper. ([See section 5 - Attachments and Exhibits](#)).

### **23.6 Must I file only relevant excerpts of exhibits?**

Yes. You are limited to electronically filing only relevant excerpts of exhibits. Excerpts must be clearly identified as such. ([See section 5 - Attachments and Exhibits](#)).

### **23.7 What if a technical failure prevents me from filing electronically?**

If a technical failure prevents you from filing electronically, follow the steps below:

- (a) Do not attempt to file paper documents in ECF cases except for emergency filings (e.g., Temporary Restraining Order).

- (b) If the Court's ECF system is out of order you should electronically file your document as soon as the system is restored.
- (c) If you missed a filing deadline when the ECF system was out of order, attach a statement to your filing explaining how the interruption in service prevented you from filing in a timely fashion. (*[See section 11 - Technical Failures](#)*)

## **Section 24. ECF Help Desk & Training**

### **24.1 How can I learn how to file electronically?**

The Court offers several options for ECF training. Details are available on the ECF page at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov)

- (a) In-person training classes are offered for attorneys and support staff (approx. 1 hour).
- (b) Step by step filing instructions can be found on-line in the [course materials](#) for our in-person training. From the ECF page click on Training. Then click on Instructor Led Training, and click on the course title.
- (c) A web based tutorial for electronic filing is also available on-line at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov).

### **24.2 How do I sign up for free alerts concerning ECF news?**

Sign up for free electronic alerts from the Court at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov). From the homepage click on ECF, then POC. You will receive periodic RSS messages through your web browser alerting you to interruptions in ECF service and other ECF information. You do not need to be an attorney to sign up for this service.

### **24.3 How do I contact the ECF Help Desk?**

The ECF Help Desk is available via email at [helpdesk@nysd.uscourts.gov](mailto:helpdesk@nysd.uscourts.gov), or by telephone at (212) 805-0800, Monday through Friday during normal Clerk's Office hours.

SDNY ELECTRONIC CASE FILING RULES & INSTRUCTIONS

United States District Court  
Southern District of New York  
ECF Rules & Instructions  
March 1, 2015, Addendum to the  
March 17, 2014 Edition

Re: Section 18.8 – Is a Bill of Costs Filed Electronically?

Yes. The Board of Judges of the United States District Court for the Southern District of New York has adopted revisions to Local Civil Rule 54.1, Taxable Costs, requiring the electronic filing of a Bill of Costs. Accordingly, section 18.8 of the March 17, 2014, edition of the court's ECF Rules & Instructions has been revised.

Effective March 1, 2015, a Notice of Taxation of Costs, and any objection thereto, shall be electronically filed through the Court's Electronic Case Filing (ECF) system (unless a pro se party without electronic filing privileges) and parties need not appear at the date and time scheduled for taxation unless requested by the Clerk.

The following ECF Filing Events may now be found under:  
CIVIL EVENTS / OTHER FILINGS / OTHER DOCUMENTS:

New ECF Filing Event	Purpose
Bill of Costs – Notice of Taxation *	Initial request to tax costs.
Amended Bill of Costs – Notice of Taxation	Amended request to tax costs.
Bill of Costs – Notice of Taxation Withdrawn	Withdrawal of a request to tax costs.
Bill of Costs – Objections	Objections to a request to tax costs.
Bill of Costs Reply	Reply to objections to tax costs.

This change will be incorporated in the next full revision of the court's ECF Rules & Instructions.

\* The required Bill of Costs (Notice) form may be found at [www.nysd.uscourts.gov/forms.php](http://www.nysd.uscourts.gov/forms.php)

Questions may be directed to the ECF Help Desk at [helpdesk@nysd.uscourts.gov](mailto:helpdesk@nysd.uscourts.gov), or by calling (212)805-0136 during business hours.